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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,971	06/29/2001	Ronald Campbell Allan	AUS920010275US1	9258
35525	7590	06/10/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,971

Applicant(s)

ALLAN, RONALD CAMPBELL

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11, 12, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 18 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 03/14/2005 have been fully considered but they are not persuasive.

3. As per remarks, Applicants' argued that (1) Killian does not show Features 1, 3 and 5 mentioned on pages 9 and 10 of the Remarks.

4. As to point (1), the amended features of claim 1 are addressed in item 10 below.

5. As per remarks, Applicants' argued that (2) Applicants' invention is intended to retrieve multiple inline elements pertaining to a web page, wherein the same server will not be used to deliver all the inline elements.

6. As to point (2), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the same server will not be used to deliver all the inline elements or different inline elements may have to be delivered by different servers (Remarks, page 9, lines 5-6)) are not recited in the

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rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In fact, there is nothing in claim 1 mentioned any other servers other than the original server.

Allowable Subject Matter

7. Claims 5, 6, 11, 12, 17 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, 7-10, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian [US Patent No 6,438,592], in view of Farber et al. [US Patent No 6,185,598].

10. As per claim 1, Killian discloses the invention substantially as claimed including a method for service time analysis in a computer network, comprising:

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receiving a request from a network client machine for an electronic document [col 2, lines 26-28; and col 3, lines 26-31] and recording an initial time value for the request [col 10, lines 56-61];

forwarding the request to an origin server [i.e. send, relay] [col 2, lines 29-32; and col 8, lines 10-14] and receiving a response stream containing the electronic document from the origin server [col 2, lines 36-41; and col 8, lines 14-18];

sending the response stream to the client machine [col 3, lines 31-33], wherein the response stream is instrumented to contain the initial time value [col 3, lines 34-63; and col 8, lines 39-56];

receiving at least one a uniform resource identifier (URI) request from the client machine [col 1, lines 26-39];

creating a data structure [Figure 3] that contains key/service time value pairs [i.e. eventTypes, startedObject, endedObject, startedTimer, endedTimer] [col 3, lines 47-63; and col 11, lines 32-47], wherein each pair is associated with one of said URI requests [col 9, lines 37-48], and each key is an identifier present in its associated URI request [col 14, lines 6-10];

forwarding each URI request to the origin server and receiving a corresponding URI response from the origin server [col 8, lines 7-26];

updating each of the service time value in said data structure [col 4, lines 59-62; col 23, lines 39-44; and col 30, lines 54-67], to indicate the time value for completing the response to each of said URI request [i.e. download individual component data object] [col 3, lines 49-64; col 9, lines 16-20; and col 15, lines 36-58]; and

sending each URI response to the client machine [col 3, lines 31-33]; and

using said keys and updated service time value from said data structure to compute the total time required to respond to all of said requests associated with said electronic document [i.e. component page] [col 9, lines 12-17; col 15, lines 1-5; and col 16, lines 39-57], including all of said URI requests [col 9, lines 17-21].

Killian does not specifically disclose

wherein each received URI request is for a resource embedded within the electronic document.

Farber discloses

The HTML document consists of data (text, images, sounds) including links to other sections of the same document or to other documents and the links are generally provided as URLs [col 5, lines 59-col 6, lines 5].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Killian and Farber because Farber's teaching of links would allow to link documents on different servers in a different part of the world and user can view documents transparently [Farber, col 6, lines 6-15].

11. As per claim 2, Killian discloses wherein said data structure contains a table [122, Figure 1], and each key in said table of key/time value pairs is a cookie in a request header [col 3, lines 40-45; col 8, lines 45-56; and col 14, lines 32-39]. Killian does not specifically disclose table of key/time value pairs is created and updated by at least one reverse proxy server associated with said original server. Farber discloses table of key/time value pairs is created and updated by at least one reverse proxy server associated with said original server [col 8,

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lines 54-62]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Killian and Farber because Farber's teaching of reverse proxy server would allow the system of Killian to perform other additional function such as load balancing on the servers so network congestion can be greatly reduced.

12. As per claim 3, Killian discloses wherein the instrumented response stream further comprises:

the service time taken for the origin server to respond [i.e. total time] [col 17, lines 63-67].

13. As per claim 4, it is rejected for similar reasons as stated above in claim 2.

14. As per claims 7-10, they are program product claimed of claims 1-4, they are rejected for similar reasons as stated above in claims 1-4.

15. As per claims 13-16, they are apparatus claimed of claims 1-4, they are rejected for similar reasons as stated above in claims 1-4.

16. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3968. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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VIET D. VU
PRIMARY EXAMINER